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Legislation Details (With Text)

File #: SO2015-1531

Type: Ordinance **Status:** Passed

File created: 3/18/2015 **In control:** City Council

Final action: 5/6/2015

Title: Amendment of Municipal Code Title 2 by adding new Chapter 40 entitled "Citywide Language Access to Ensure the Effective Delivery of City Services"

Sponsors: Emanuel, Rahm, Pawar, Ameya, Colón, Rey, Moore, Joseph, Mell, Deborah, Reboyras, Ariel, Suarez, Regner Ray, Maldonado, Roberto, Cullerton, Timothy M., Osterman, Harry, Reilly, Brendan, Munoz, Ricardo, Tunney, Thomas, Moreno, Proco Joe, Pope, John, Balcer, James, Burnett, Jr., Walter, Cappleman, James, Smith, Michele, Mitts, Emma, Laurino, Margaret, Burke, Edward M., O'Connor, Patrick, O'Connor, Mary, Quinn, Marty, Silverstein, Debra L.

Indexes: Ch. 40 Citywide Language Access to Ensure Effective Delivery of City Services

Attachments: 1. O2015-1531.pdf, 2. SO2015-1531.pdf

Date	Ver.	Action By	Action	Result
5/6/2015	1	City Council	Passed as Substitute	Pass
4/28/2015	1	Committee on Human Relations	Substituted in Committee	Pass
3/18/2015	1	City Council	Referred	

SUBSTITUTE ORDINANCE

WHEREAS, the City of Chicago consistently seeks to improve service delivery and efficiency of government services by standardizing language access efforts across the City's public-facing departments; and

WHEREAS, it is essential that all residents, regardless of their proficiency in English, have meaningful access to City programs, services, and activities; and

WHEREAS, over 400,000 City residents do not speak English as their primary language and have a limited ability to read, speak, write or understand English and are therefore considered to have limited-English proficiency; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits agencies that receive federal funds for programs or activities from discriminating against persons on the basis of race, color or national origin; and

WHEREAS, a language access working group composed of community, legal and civic leaders labored diligently to develop recommendations, which became the basis for the City's language access policy, for effectively providing public services and language assistance to people with limited English proficiency; and

WHEREAS, the City seeks to enhance access to City services for residents with limited-English proficiency in order to promote the general health, safety, and economic prosperity of Chicago; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The Municipal Code of Chicago is hereby amended by adding a new Chapter 2-40 as follows:

CHAPTER 2^*0 CITYWIDE LANGUAGE ACCESS TO ENSURE THE EFFECTIVE DELIVERY OF CITY SERVICES

2-40-010 Definitions.

For purposes of this Chapter, the following terms shall have the following definitions:

"Direct public services" means services administered by a City department directly to program beneficiaries and/or participants.

"Essential public documents" means those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic City services.

"LEP" means limited-English proficiency.

2-40-020 Language Access Plans.

(a) All City departments that provide direct public services shall ensure meaningful access to such services by taking reasonable steps to develop and implement department-

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specific language access plans regarding LEP persons. Those departments that provide services to the public that are not programmatic in nature, such as emergency services, shall implement this Chapter to the degree practicable.

(b) Each pertinent City department shall have flexibility to determine appropriate language assistance for its service population. In implementing a program of language assistance, the department shall:

1. designate a Language Access Coordinator within 45 days of the effective date of this Chapter to oversee the creation and execution of a department-specific internal language access policy and implementation plan;
2. develop such language access policy and implementation plan within 180 days of the effective date of this Chapter. Such plan shall be developed by undertaking the four-factor analysis outlined below, which is based on guidance issued by the U.S. Department of Justice effective June 12, 2002 (67 FR 41455). The four factors are:
 - i. The number or proportion of LEP persons served or encountered in the eligible service population;
 - ii. The frequency with which LEP persons come into contact with the department;
 - iii. The nature and importance of the program, activity or service to the LEP person (including consequences of lack of language services or inadequate interpretation/translation); and
 - iv. The resources available to the department and the costs of providing various types of language services;
3. provide services in any non-English language spoken by a limited or non-English proficient population that constitutes 5% or 10,000 individuals, whichever is less, in Chicago, as those languages are determined based on a variety of relevant sources, including, but not limited to, United States Census data, intake data collected by City departments, data on telephonic language

translation service requests or usage, research provided by the Language Access Advisory Committee, and community feedback;

4. ensure that the language access policy and implementation plan includes the following elements for LEP individuals:

- i. identification and translation of essential public documents provided to or completed by program beneficiaries and/or participants;
- ii. interpretation services, including the use of telephonic interpretation services;
- iii. training of frontline workers and managers on language access policies and procedures;

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- iv. posting of signage in conspicuous locations about the availability of free interpretation services;
- v. establishment of an appropriate monitoring and measurement system regarding the provision of department language services;
- vi. creation of appropriate public awareness strategies for the department's service populations.

(c) The language access plans developed under this section shall also include provisions for addressing the needs of emerging populations with high rates of LEP persons not covered in subsection (b) (3).

2-40-030 Use of plain language.

Department language access policies shall reflect principles of plain language communications. For example, signs and flyers shall be easy to understand, and not include arcane or technical language, unnecessary polysyllabic words, legal jargon or other text requiring an advanced reading level.

2-40-040 Compliance plan.

Beginning one year after developing a language access policy and implementation plan and continuing each year thereafter, each participating department's Language Access Coordinator shall prepare and submit to the Mayor's Office of New Americans a compliance plan, detailing progress in the year concluded and plans for the year ahead.

2-40-050 Community comment.

In furtherance of the City's commitment to providing effective language assistance and incorporating comments from individuals in the community to ensure such assistance, departments covered under this Chapter shall create procedures for individuals to provide comment on the language assistance offered or provided to them by the department, such as comments on the type, effectiveness, or quality of language assistance made available. The comments may be collected through a variety of methods, such as, in-person interaction, telephone, a hotline developed for this purpose, or a form, made available in hard copy and online via the Internet. The comments given to all departments regarding language assistance will be collected by the Mayor's Office of New Americans for review and summary.

2-40-060 No private right of action.

Nothing in this Chapter shall be construed to create a private right of action.

SECTION 2. The Mayor will appoint a working group tasked with developing an implementation plan for a City-issued photo identification card that can be used for connecting Chicago residents to services, programs, and benefits, regardless of immigration status, homeless status, or gender identity. The working group will report to the Mayor and City Council within 120 days of the effective date of this ordinance.

SECTION 3. The Mayor will appoint a Language Access Advisory Committee tasked with advising regarding an annual compliance report, the community comment process, and the development of an implementation plan for the City's Language Access Ordinance that can be

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used for connecting Chicago residents with limited-English proficiency to services, programs, and benefits. Further, the City will work with the Language Access Advisory Committee to review any existing language access policy implemented by a department that provides emergency services and to make any recommendations for any changes to such policy.

SECTION 4. This ordinance shall take effect upon its passage and approval.

CITY COUNCIL CITY OF CHICAGO

COUNCIL CHAMBER

ARIEL E. REBOYRAS

Alderman, 30th Ward 3559 N. Milwaukee Ave Chicago, IL 60641 (773) 794-3095 (773) 794-8576 (Fax)
Ward30@cityofchicago.org <mailto:Ward30@cityofchicago.org>www.30thwardchicago.com
<http://www.30thwardchicago.com>

City Hall, Room 300 121 N. LaSalle Street Chicago, IL 60602 Telephone (312) 744-3304
HUMAN RELATIONS

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May 6, 2015

To the President and Members of the City Council:

Your committee on Human Relations, for which a meeting was held April 28, 2015, having had under consideration two (2) items;

A Substitute Resolution introduced by Alderman Brookins (21st), calling for support of Biram Dah Abeid and all other Mauritanian abolitionists in their fight against slavery. This recommendation was concurred in a voice vote of all committee members present with no

dissenting votes.

A Substitute Ordinance introduced by Mayor Emanuel, Amending the Municipal Code Title 2 by adding new Chapter 40 entitled "Citywide Language Access to Ensure the Effective Delivery of City Services." This recommendation was concurred in a voice vote of all committee members present with no dissenting votes.

Ariel E. Rer/oyras, Chairman Committee on Human Relations

One Ward, One Community